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PLM-10

Mr. Mosher



**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-195295

DATE: November 14, 1979

MATTER OF: Lieutenant Gary A. Dehnel, USCG

*ABC 164*

**DIGEST:** A Coast Guard officer on temporary duty placed liquor intended for his personal use aboard a Coast Guard aircraft on which he was to fly from the State of Washington to Alaska. The liquor was lost before the officer reached Alaska. Whether the member may be reimbursed for his loss is for determination by the Coast Guard under the Military Personnel and Civilian Employees' Claims Act of 1964 which provides that claims may be allowed only if possession of the property under the circumstances was reasonable, useful, or proper, and if the loss was not caused by the officer's negligence. Settlement is final and conclusive if statutory conditions are met.

This case concerns the legality of payment of a Coast Guard officer's [claim for the loss of personal property while in transit on a Coast Guard aircraft]. The claim is for settlement by the Coast Guard under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, 31 U.S.C. §§ 240-243 (1976), under which settlement is final and conclusive.

The question was presented by the Authorized Certifying Officer, Seventeenth Coast Guard District, Juneau, Alaska, concerning the claim of Lieutenant Gary A. Dehnel, USCG, for the loss of \$80 worth of liquor. Lieutenant Dehnel indicated he purchased the liquor at the exchange package store, McChord Air Force Base, Washington, while he was on temporary duty and subsequently placed it on board the Coast Guard aircraft on which he was returning to his permanent duty station at Kodiak, Alaska. When he arrived in Alaska, he could not locate the liquor.

Lieutenant Dehnel filed a claim for the loss of his liquor with the Commanding Officer of the Coast Guard station at Kodiak. After adjudication by a legal officer, the Commanding Officer approved the claim. The certifying officer to whom the claim was presented for payment questions the legality of the claim for several reasons. He indicates that Coast Guard Regulations CG-300

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*Claims*

*Claims*

*Baggage (personal effects)  
personal property  
Alcoholic beverages  
Coast Guard personnel  
Losses*

B-195295

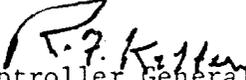
(paragraph 9-2-14) provide authority to ship alcoholic beverages on board a Coast Guard aircraft provided certain security measures are provided. However, he questions whether those measures were provided in this case. He also questions the justification of purchasing the liquor in the State of Washington for transshipment to Kodiak, Alaska, by Government transportation because liquor was available from the Coast Guard Support Center's nonappropriated fund activity in Alaska.

Claims for loss of personal property incident to service by military personnel and civilian employees of the United States may be reimbursed under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, 31 U.S.C. §§ 240-243 (1976), if the conditions of the act and regulations thereunder are met. The Secretary of Transportation, or his designee is authorized to settle such claims for loss of or damage to a Coast Guard member's personal property incident to the member's service. 31 U.S.C. § 241(b)(1). Under 31 U.S.C. § 242 such settlements are "final and conclusive" if made in accordance with the provisions of the act and applicable regulations. Our Office has no jurisdiction to render decisions relative to the merits of a claim under the act. 47 Comp. Gen. 316, 318 (1967), and 58 Comp. Gen. 291 (1979).

The reasonableness of the possession of the property in question and negligence on the part of the owner are questions for determination by the Secretary or his designee in settling claims under the act. See 31 U.S.C. §§ 241(a) and (c), and 33 C.F.R. §§ 25.703, 25.705 (1978).

The Commanding Officer of the Coast Guard station at Kodiak appears to have been delegated sufficient authority under the regulations to make the determinations in this case. 33 C.F.R. § 25.713(e). Ordinarily, approval of a claim by the appropriate designee may be considered final authority on which the certifying officer may authorize payment. An exception to this would be in the case of suspected fraud in the settlement of a claim in which case the certifying officer should seek further consideration of the claim by higher authority--the Secretary concerned, if necessary. B-192978, February 28, 1979.

In view of the above, the claim is being returned to the certifying officer for payment or, if he deems necessary, to seek further review within the Department of Transportation.

  
Deputy Comptroller General  
of the United States